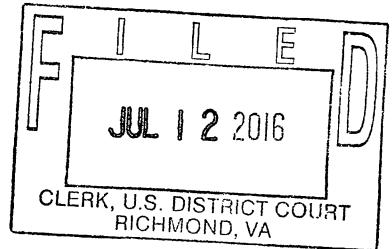


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JAMES HENRY BROWN,



Petitioner,

v.

Civil Action No. 3:15CV510

LESLIE J. FLEMING,

Respondent

MEMORANDUM OPINION

James Henry Brown, a Virginia inmate proceeding pro se, submitted a 28 U.S.C. § 2254 petition ("§ 2254 Petition," ECF No. 1) challenging his 2012 convictions in the Circuit Court of Fairfax County (hereinafter "Circuit Court"). On May 31, 2016, the Magistrate Judge recommended that the Motion to Dismiss be granted, Brown's claims be dismissed, and the § 2254 Petition be denied. The Court advised Brown that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Brown has not responded.

"The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court." Estrada v. Witkowski, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing Mathews v. Weber, 423 U.S. 261, 270-71 (1976)). This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations

to which objection is made." 28 U.S.C. § 636(b)(1). "The filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute." Thomas v. Arn, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge's recommendation without conducting a de novo review. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation will be accepted and adopted. The Motion to Dismiss (ECF No. 16) will be granted. The § 2254 Petition will be denied. The action will be dismissed.

The Clerk is directed to send a copy of this Memorandum Opinion to Brown and counsel of record.

It is so ORDERED.

/s/

R&P

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 11, 2016